

**UNITED STATES BANKRUPTCY COURT
FOR THE
EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

In the Matter of:	:	
	:	
CURTIS N. SYMONDS, and PATRICIA M. SYMONDS,	:	Chapter 11 Case No. 10-14401-RGM
	:	
Debtors.	:	
	:	
CURTIS N. SYMONDS, and PATRICIA M. SYMONDS,	:	
	:	
Plaintiffs,	:	
	:	Adv. Proc. No. 10-01240-RGM
v.	:	
	:	
ACCESS NATIONAL BANK, <u>et al.</u>,	:	
	:	
Defendants.	:	

ORDER

THIS MATTER, having come before the Court on the Motions of the defendants Access National Bank (“Access”), Acme Real Estate, LLC (“Acme”), Advantageous Equities, LLC (“Advantageous”) and Neil Title (“Title”) seeking to dismiss the Complaint filed herein pursuant to Fed. R. Civ. P. 12(b)(6), or in the alternative, for summary judgment pursuant to Fed/ R. Civ. P. 56,

AND IT APPEARING that for the reasons stated from the bench at hearing on the motions of the defendants herein that good cause exists to grant such motion, and to further provide leave for Plaintiffs to amend certain count(s) alleged in the Complaint, it is hereby

ORDERED, that summary judgment is hereby granted in favor of each and all of the Defendants, and against the plaintiffs Curtis and Patricia Symonds (the “Symonds”) as to Counts I, II and III of the Complaint filed herein, and that each and every such count is hereby dismissed,

AND IT IS FURTHER ORDERED, that such dismissal is without leave to amend as to Counts I and III of the Complaint; and that the Symonds are further granted leave to amend Count II of the Complaint. Such amended Complaint must be filed on or before October 12, 2010.

Date: _____, 2010

Hon. Robert G. Mayer
U.S. Bankruptcy Judge

I Ask For This:

/s/ Kevin M. O'Donnell

Kevin M. O'Donnell, VSB #30086
Bruce W. Henry, VSB #23951
Jeffery T. Martin, Jr., VSB #71860
Henry & O'Donnell, P.C.
300 N. Washington Street
Suite 204
Alexandria, VA 22314
(703) 548-2100
Counsel for Access National Bank and Acme Real Estate, LLC

/s/ Herbert S. Rosenblum

Herbert S. Rosenblum, VSB #006125
526 King Street
Suite 211
Alexandria, VA 22314
(703) 684-0060
Counsel to Advantageous Equities, LLC and Neil Title

Seen and Objected To:

/s/ Janet M. Meiburger

Janet M. Meiburger, Esq.

The Meiburger Law Firm, P.C.
1493 Chain Bridge Road, Suite 201
McLean, VA 22101
Counsel for the Symonds